

\*\*E-filed 3/21/06\*\*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ROBERT KORHELY,

Plaintiff,

v.

BRAD BOSTON, *et al.*,

Defendants,

and

MERCURY INTERACTIVE  
CORPORATION,

Nominal Defendant.

CASE NO. 3:05-cv-04642-JF (PVT)

STIPULATION AND [PROPOSED]  
ORDER RE: CASE MANAGEMENT,  
FILING AMENDED COMPLAINT AND  
SERVICE

DATE: March 10, 2006  
TIME: 10:00 a.m.  
COURTROOM: 3, 5th Floor  
JUDGE: Hon. Jeremy Fogel

1 WHEREAS, on February 14, 2006, this Court granted the Motion By Plaintiffs Robert  
2 Korhely, Reena Gupta, Inge Selig and The City of New Orleans Retirement System Consolidating  
3 All Related Derivative Cases and Appointing an Executive Committee of Plaintiffs' Counsel.

4 WHEREAS, the parties have resolved and agreed to certain case management procedures.

5 IT IS THEREFORE STIPULATED BY AND BETWEEN THE PARTIES AND  
6 ORDERED:

7 1. Every pleading filed in this Consolidated Derivative Action shall have the  
8 following caption:

9 IN RE MERCURY INTERACTIVE CORP. ) Case No. 05-cv-04642-JF (PVT)  
10 DERIVATIVE LITIGATION )  
11 )  
12 )

13 2. If any other case is subsequently filed in, transferred to, or removed to this Court  
14 and is designated a related case under Rule 3-12(a) of this Court's Local Rules of Practice in Civil  
15 Proceedings ("Related Case"), the Clerk of the Court shall file a copy of this Order in the docket  
16 of the Related Case.

17 3. In the circumstances referred to above, the Chair of the Executive Committee of  
18 Plaintiffs' Counsel shall promptly mail a copy of this Order to counsel for the plaintiff(s) in each  
19 Related Case and for any defendant(s) in the Related Case who are not already parties to the  
20 Consolidated Derivative Action.

21 4. This Order shall apply to each related case unless a party objecting to the  
22 consolidation files and serves an application for relief from this Order within ten (10) days after  
23 the date on which the Chair of the Executive Committee of Plaintiffs' Counsel mails a copy of this  
24 Order to counsel for that party. The provisions of this Order shall apply to the Related Case until  
25 the Court's ruling on the application.

26 5. The parties agree that defendants need not respond to the initial complaints  
27 consolidated by the Court's February 14, 2006 Order. Plaintiffs will file a Consolidated  
28 Derivative Complaint within sixty (60) days of the entry of this Stipulation and Order.

1 Defendants' responsive pleadings (including, if appropriate, a motion to stay this action) shall be  
2 due within sixty (60) days after the filing of the Consolidated Derivative Complaint.

3 6. Service on the derivative plaintiffs may be made by service on the Executive  
4 Committee of Plaintiffs' Counsel.

5 DATED: March 1, 2006

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Chair of Plaintiffs' Executive Committee

14 DATED: March \_\_, 2006

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2 due within sixty (60) days after the filing of the Consolidated Derivative Complaint.

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4 Committee of Plaintiffs' Counsel.

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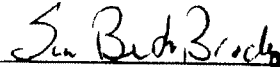
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**IT IS SO ORDERED.**

DATED \_\_\_\_\_

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HONORABLE JEREMY FOGEL

MERCURY: 13030.PLEADING

STIPULATION AND [PROPOSED] ORDER - CASE NO. 3:05-cv-04642-JF (PVT)

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**IT IS SO ORDERED.**

DATED \_\_\_\_\_

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MERCURY: 13030.PLEADING

STIPULATION AND [PROPOSED] ORDER - CASE NO. 3:05-cv-04642-JF (PVT)

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IT IS SO ORDERED.

DATED 3/20/06

HONORABLE JEREMY FOGEL

MERCURY: 13030.PLEADING

STIPULATION AND [PROPOSED] ORDER - CASE NO. 3:05-cv-04642-JF (PVT)

**DECLARATION OF SERVICE**

I, BORANY T. REINBOLD, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that declarant's business address is 750 B Street, Suite 2770, San Diego, California 92101.

2. That on March 3, 2006, declarant served **STIPULATION AND [PROPOSED] ORDER RE: CASE MANAGEMENT FILING AMENDED COMPLAINT AND SERVICE** via the CM/ECF System to the parties so indicated on the attached service list, who are registered participants of the CM/EMF System.

3. That on March 3, 2006, declarant served the parties so indicated on the attached service list, who are not registered participants of the CM/ECF System, via U.S. Mail.

4. That there is regular communication by mail, facsimile, and electronic mail within this office.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of March 2006, at San Diego, California.

  
BORANY T. REINBOLD

MERCURY INTERACTIVE  
Service List – March 3, 2006  
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